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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,229

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Susan H. Schott

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3696

MAIL DATE

DELIVERY MODE

11/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,229	Applicant(s) SCHOTT ET AL.	
	Examiner DANIEL S. FELTEN	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 8 is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☒ Claim(s) 2 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Upon the Decision of an Appeal Conference held November 18, 2009 the Finality of the Claims using the combination of Buchanan et al (US 7,216,106), Isaacman et al (US 5,936,527) and Chung (US 7,036,729) is WITHDRAWN. The following rejection is maintained below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHUNG (US 7,036,729) in view of BALDI (US 6,547,151)

Re claims 1 and 6: Chung discloses an article processing system for processing an article having a radio frequency identification (RFID) tag associated therewith (see Abstract), the system comprising:

--a check transport path along which the check can be transported from an upstream end of the check transport path to a downstream end of the check transport path (see Chung, Fig. 2 column 5, lines 51-61, reads on the applicant's claim language of "a transport path

"FIG. 2...Articles upon which operations are to be performed pass through stations OS-1-OS-4 at which such operations are performed as generally indicated by arrow 140. Articles A pass through the respective detection regions of

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antenna arrays 130-1 through 130-4 as they pass stations OS-1-OS-4 and so are detected by the respective smart tag control units CU of stations OS-1-OS4.")

--an RFID tag endorser disposed along the check transport path and for wirelessly transmitting check endorsement data to the RFID tag of the check transported along the check transport path from the upstream end to the downstream end. (see Chung, column 6, lines 22-49, in regards to the endorsement data being wirelessly transmitted to the RFID along the check transport path., Chung reads,

"Each antenna array 130...is coupled to a smart tag reader control unit reading information in the memory EM of a smart tag ST with its detection region and preferably includes a smart tag writer for transmitting information for storing information in the memory EM or smart tag ST. Such information may include, the identification of the article the operation or of the operator...and/or quality control infomation...Each station is OS is coded with information pertinent to the operation performed thereat, which information is transmitted to the SMar tag ST associated with the article.")

In regards to an "RFID tag endorser," the applicant's Specification contemplates that the tag endorser be a conventional RFID tag reader which is capable of writing data to an RFID tag (see Applicant's Specification on page 12, lines 27 to page 13, line 5). Thus in the Broadest Reasonable interpretation of the Applicant's RFID tag endorser is a conventional RFID tag writer and/or reader, which Chung discloses.

CHUNG fails to disclose that the article is a check. BALDI discloses the identification and authentication of currency notes, such as banknotes and checks using integrated circuit (see Baldi, Abstract, column 2, line 13+, column 3, lines 55+; and column 6, lines 1+). Baldi makes evident that tracking and authentication of banknotes is within the level of ordinary skill in the art and thus would have been obvious to implement. It is maintained that it would have been obvious to substitute the banknote (check) of Baldi for the article of Chung (check) track and allow identification of the check(s). Since both the integrated circuit and the RFID tag are used for identification, authentication. It also evident in Baldwin that market forces would have prompted the predictable variation and obvious substitution of an RFID tag for the integrated circuit found in Baldwin's banknotes to authenticate and identify the notes.

4. Claims 2 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 3 and 8 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:
The prior art does not disclose wirelessly transmitting MICR encoded data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kramer James can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel S Felten
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Art Unit 3693

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